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# Thirty-third report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

## I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) and covers developments on the issues of missing Kuwaiti and third-country nationals and of missing Kuwaiti property, including the national archives, since the issuance of my last report of 5 December 2011 (S/2011/754).

## II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

2. Recently, Iraq-Kuwait relations have improved, following the visit of the Prime Minister of Iraq to Kuwait on 14 March 2012, the visit of the Emir of Kuwait to Baghdad to attend the summit meeting of the League of Arab States in March 2012, and the second meeting of the Joint Ministerial Committee, held on 29 April 2012 in Baghdad. Agreements and understandings reached by both sides have apparently increased momentum towards the resolution of outstanding issues pertaining to the fulfilment of Iraqi obligations under Chapter VII of the Charter of the United Nations, including the file on missing Kuwaiti and third-country nationals.

3. In my previous reports, I have consistently encouraged the Government of Iraq to expeditiously take further practical steps towards the implementation of its obligations under paragraph 14 of Security Council resolution 1284 (1999). I have stressed that tangible progress on this humanitarian issue would not only enhance mutual confidence and trust among the parties, but also contribute to the solution of a wider set of outstanding issues between them.

4. Throughout the reporting period the High-level Coordinator, Ambassador Gennady Tarasov, was actively engaged with both Iraq and Kuwait to strengthen their practical cooperation in the search for missing Kuwaiti and third-country nationals. Working in close contact with the Tripartite Commission and its Technical Subcommittee, which remains the primary body to deal with persons unaccounted for since the 1990-1991 Gulf War, the Coordinator focused his efforts on facilitating and promoting joint exploratory missions, within the framework of the Technical Subcommittee and under the auspices of the International Committee of the Red

Cross, to sites on Iraqi territory where missing Kuwaitis might have been buried. He also encouraged the intensification of Iraq's own investigations around the country.

5. Four Technical Subcommittee field missions have been carried out to date in southern Iraq, three of them in Khamisiyah (the latest from 25 February to 10 March 2012). More than 7,000 trenches have been dug. Although no human remains have been discovered, in the view of the participants these missions represent a serious professional endeavour that has the potential to become an effective functional mechanism to uncover the fate of missing persons.

6. Similar Technical Subcommittee missions have continued to explore possible grave sites of Iraqi military personnel in northern Kuwait. The Technical Subcommittee's activities thus include searching for both Kuwaiti and Iraqi nationals.

7. At the meeting of the Tripartite Commission and the Technical Subcommittee held in Kuwait from 4 to 6 June 2012, the participants reviewed the activities over the past months and decided to carry out further field missions in Iraq and Kuwait, with greater emphasis on gathering more precise and specific information on possible grave sites. A new plan of action submitted by the Government of Iraq up to the end of 2012 was adopted.

8. The Coordinator visited the region in February, April and May 2012. On 20 May 2012, he met in Baghdad the Minister for Foreign Affairs of Iraq, Hoshyar Zebari, who reaffirmed his Government's determination to fulfil all outstanding obligations towards Kuwait and ensure Iraq's speedy exit from Chapter VII provisions. Mr. Zebari praised the outcome of the second meeting of the Joint Ministerial Committee, which he said had laid down a road map on Chapter VII issues, including the file on missing Kuwaiti persons and property. He emphasized that Iraq and Kuwait could continue the search for missing persons bilaterally or through some other arrangement besides the Coordinator's mandate.

9. In addition, the Minister for Human Rights of Iraq, Mohammed al-Sudani, stressed Iraq's political will to continue its efforts in cooperation with Kuwait to find missing Kuwaiti nationals. While his Government preferred to conduct the work through bilateral channels, it would not object to other forms of international involvement to assist further progress. He also detailed Iraq's activities to locate possible grave sites in the country.

10. During his visit to Kuwait, the Coordinator was received on 22 May 2012 by the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al-Hamad Al-Sabah, who reiterated the importance of the United Nations role in closing the long-standing file on missing persons. Noting the positive results of the April meeting of the Joint Ministerial Committee, he expressed the hope that Iraq would be able to expeditiously meet its Chapter VII obligations, saying that Kuwait stood ready to assist in that process.

11. Following the visit by the Prime Minister of Iraq to Kuwait, the Minister for Foreign Affairs of Iraq indicated in a letter dated 17 March 2012 that Iraq would comply with its commitments pursuant to relevant Security Council resolutions and expressed the hope that the second meeting of the Joint Ministerial Committee would lead to a new chapter in bilateral relations based on mutual trust and cooperation.

12. In a letter dated 15 May 2012, the Minister for Foreign Affairs of Kuwait shared elements of the agreed minutes adopted at the 29 April meeting of the Joint Ministerial Committee. With regard to the High-level Coordinator's mandate, the minutes read:

> Kuwait commended the steps taken by the Iraqi side relating to the missing persons and Kuwaiti possessions. Kuwait also urged the Iraqi side to continue its earnest efforts to close this humanitarian file, through the work of the tripartite and the technical committees, as well as compliance with Security Council resolution 1284, and report to the Secretary-General on that, to take whatever action he deems appropriate in light of the relevant Security Council resolutions and the aforementioned.

13. In a meeting with the Coordinator, the Minister for Foreign Affairs of Kuwait confirmed his Government's readiness to provide support and assistance to the United Nations and its bodies to accelerate the implementation by Iraq of outstanding obligations pursuant to relevant Security Council resolutions.

## III. Recent activities with regard to the return of Kuwaiti property

14. Although the issue of missing Kuwaiti property, including the national archive, is an integral part of Security Council resolution 1284 (1999), no substantial progress has been made in the search for the national archive, nor has credible information about its fate or whereabouts emerged.

15. In all his meetings with Iraqi officials, the Coordinator has repeatedly urged Iraq to make full use of the recently created Iraqi committee on the Kuwaiti national archive and to report to the United Nations on the results of its activities.

16. In a letter dated 27 January 2012 addressed to the Coordinator (see annex I to the present report), the Chargé d'Affaires ad interim of the Permanent Mission of Iraq to the United Nations noted that the Iraqi committee on the Kuwaiti national archive had met on 4 January 2012 and recommended that the General Secretariat of the Council of Ministers should request all ministries and other non-ministerial institutions to inform the committee of any properties and files belonging to the Government of Kuwait no later than 15 February 2012. The Coordinator has not received an update on the results of those efforts.

17. In a letter dated 15 November 2011 addressed to the President of the Security Council (S/2011/721), the Permanent Representative of Iraq to the United Nations reported that 136 microfilm cassettes that included the archive of the official newspaper *Al-Kuwait al-Yawm* had been handed over by an Iraqi citizen to the Iraqi Ministry of Foreign Affairs. In a letter dated 21 February 2012 addressed to the Coordinator (see annex II to the present report), the Permanent Mission of Kuwait confirmed the receipt by the Ministry of Foreign Affairs of those microfilm cassettes on 20 February 2012.

18. In a letter dated 9 May 2012 addressed to the President of the Security Council (S/2012/309), the Permanent Representative of Iraq to the United Nations stated that, on 16 and 17 April 2012, a delegation from the Iraqi Ministry of Foreign Affairs had transmitted Kuwaiti currency (paper notes and coins), documents and

keys for safes belonging to the Central Bank of Kuwait to the Kuwaiti authorities at the headquarters of the Central Bank of Kuwait. The delegation had also transmitted 15 microfilm cassettes containing the archives of *Al Anba* newspaper to the Kuwaiti authorities at the headquarters of the Kuwaiti Ministry of Foreign Affairs.

19. While the Kuwaiti national archive has yet to be discovered, Iraq has demonstrated, by finding other missing Kuwaiti property, that its credible and sustained efforts in this regard can bear results.

## IV. Observations

20. The increased cooperation in place between the Governments of Iraq and Kuwait, in addition to the proactive efforts on the part of Iraq with regard to the search for missing Kuwaiti and third-country nationals, in addition to Kuwaiti property, should be commended. I encourage Iraq to continue to take further practical steps towards fulfilling its obligations under paragraph 14 of Security Council resolution 1284 (1999).

21. Joint exploratory missions in Iraq within the framework of the Technical Subcommittee and under the auspices of ICRC appear to be an appropriate and specific mechanism to probe the fate of missing Kuwaiti and third-country nationals. I should like to acknowledge the support and contribution of Kuwait, and of the other members of the Tripartite Commission and the Technical Subcommittee, to the task of resolving the issue of missing persons. I highly appreciate the leading role of ICRC in this regard.

22. I welcome Iraq's formation of a committee to coordinate the search for Kuwaiti missing property, including the national archive. I look forward to the committee's increased efforts to ascertain the whereabouts of the national archive.

23. In my comprehensive report dated 8 April 2009 (S/2009/190) and my subsequent reports to the Security Council, I called for the introduction of a confidence and cooperation-building process between Iraq and Kuwait to achieve visible and significant progress, and to strengthen their practical cooperation. I am encouraged by this promising approach and hope that it will lead to tangible and practical results as soon as possible.

24. I recommend that the Security Council extend the financing of the High-level Coordinator's mandate until 31 December 2012, in order to consolidate the progress made by Iraq in fulfilling its international obligations in relation to missing Kuwaiti persons and property. I also believe that both sides should begin exploring other arrangements to consolidate and ensure their continued cooperation in the search for missing Kuwaiti persons and property.

25. Tangible progress on this humanitarian file, along with other necessary steps by Iraq to comply with its outstanding obligations under relevant Security Council resolutions pertaining to the situation concerning Iraq and Kuwait, would provide a good basis to enable the Council to consider my report of 27 July 2009, pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385).

## Annex I

### Letter dated 27 January 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the High-level Coordinator

Upon instruction from my Government, I have the honour to inform you that the Iraqi committee on the Kuwaiti archive held a meeting on 4 January 2012, and adopted a recommendation to the General Secretariat of the Council of Ministers to request all ministries and other non-ministerial institutions to inform the committee of any properties and files belonging to the Kuwaiti Government no later than 15 February 2012.

(*Signed*) William Ishaya **Odisho**
Minister Plenipotentiary
Chargé d'affaires a.i.

## Annex II

### Letter dated 21 February 2012 from the Permanent Representative of Kuwait to the United Nations addressed to the High-level Coordinator

It is my pleasure to enclose, for your kind attention, a copy of the record of the receipt of Kuwaiti property from the Republic of Iraq, consisting of 136 microfilms of the archive of the Kuwaiti newspaper *Al-Kuwait al-Yawm*, which took place on 20 February 2012 at the Kuwaiti Ministry of Foreign Affairs.

(*Signed*) Mansour Al-Otaibi
Ambassador
Permanent Representative

## Enclosure

[Original: Arabic]

### Record of receipt of Kuwaiti property, consisting of 136 microfilms of the archive of the newspaper *Al-Kuwait al-Yawm*, from the Republic of Iraq

20 February 2012

On 20 February 2012, in accordance with the relevant Security Council resolutions, the State of Kuwait received from the Republic of Iraq two boxes containing 136 microfilms of the archive of the newspaper *Al-Kuwait al-Yawm*. The items belong to the Ministry of Information of Kuwait, but were seized by the previous Iraqi regime during its occupation of the State of Kuwait in 1990.

The items were handed over at the headquarters of the Ministry of Foreign Affairs of the State of Kuwait in the presence of a representative of the Ministry of Information and the Ministry of Foreign Affairs, as well as representatives of the Embassy of the Republic of Iraq to the State of Kuwait and the Ministry of Foreign Affairs of Iraq. This record was drafted and signed in the presence of the head of the United Nations office in the State of Kuwait.

**Republic of Iraq**

(*Signed*) H.E. Muhammad Hussain Muhammad **Bahrul'ulum**
Ambassador of the Republic of Iraq to the State of Kuwait

(*Signed*) Khalid Faysal **Habib**
Representative of the Ministry of Foreign Affairs

**State of Kuwait**

(*Signed*) H.E. Jasim Mubarak **al-Mubaraki**
Head of the Department of International Organizations
Ministry of Foreign Affairs

**United Nations**

(*Signed*) Adam **Abdelmoula**
Head of the United Nations office in the State of Kuwait